

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Mitsunori Ono et al.

Application No.: 10/561,025

Confirmation No.: 1888

Filed: December 16, 2005

Art Unit: 1626

For: HETEROCYCLIC COMPOUNDS FOR  
PREVENTING AND TREATING  
DISORDERS ASSOCIATED WITH  
EXCESSIVE BONE LOSS

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Examiner: S. Young

**RESPONSE TO RESTRICTION REQUIREMENT**

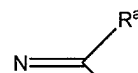
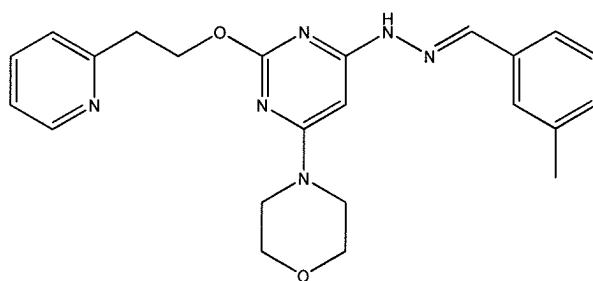
MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam:

This is a response to the Office Communication ("the Restriction Requirement") mailed on February 26, 2009, in which the Office requires Group Restriction and/or Species Election in the above-referenced patent application. This response is believed to be timely filed.

Applicants respectfully traverse the Restriction Requirement and request reconsideration on the grounds that consideration and examination of all the exemplary groups suggested by the Examiner should not impose an undue burden. For instance, the Restriction Requirement indicates that all these groups are classified within classes 514 and 544. Additionally, significant expense and time would be saved if all pending claims were searched and examined at this time.

Nevertheless, to ensure a complete response, Applicants hereby make the species election of Compound 12, N-(3-methyl-benzylidene)-N'-[6-morpholin-4-yl-2-(2-pyridin-2-yl-ethoxy)-pyrimidin-4-yl]-hydrazine, with the chemical structure as follows:



which corresponds to a compound of formula (I), in which  $R_1 =$  aryl,  $X = NR^c$  ( $R^c$  is H),  $Y = O$ ,  $U = N$ ,  $V = CR^c$  ( $R^c$  is H),  $R_3 = R^c$  ( $R^c$  is heteroaryl),  $R_2 = R^c$  ( $R^c$  is H),  $R_4 = R^c$  ( $R^c$  is H),  $R_5 = H$ ,  $Z = N$ ,  $W = O$ ,  $n = 2$ . The chemical name and preparation of Compound 12 are shown on page 73 of Applicants' specification.

In addition, Applicants submit that claims that encompass compound 12 are claims 2-8, 11-18, 28-34, 37-41, and 42-48. In the Restriction Requirement, the Examiner stated that "applicant may instead choose to elect a specific compound and examiner may attempt to group it" (see page 6 of the Office Communication). In any event that the Examiner considers that product and process claims reading on the elected species are not rejoinable, Applicants will consider electing process claims for further examination.

Applicants submit that the Species Election is being made solely to comply with the requirement for restriction/election set forth in the Office Communication. Applicants respectfully request the Examiner to search the entire scope of the claims. Applicants hereby expressly reserve the rights to traverse the requirement for restriction/election, and to pursue any non-elected subject matter in this application, or any continuation, continuation-in-part, or divisional applications.

CONCLUSION

Early and favorable consideration of the application is earnestly solicited.

In the event that an extension of time is required and has been overlooked, Applicants conditionally petition for any necessary extension. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 61251 (50586), Customer No. 21874.

Respectfully submitted,

Date: March 30, 2009

Customer No.: 21874

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